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SENATE BILL 799

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

R. L. STOCKARD

AN ACT

RELATING TO JUVENILE JUSTICE; PROVIDING MUNICIPAL, MAGISTRATE
AND METROPOLITAN COURTS WITH EXCLUSIVE, ORIGINAL JURISDICTION
OVER CERTAIN MISDEMEANOR OFFENSES; ENACTING A NEW SECTION OF THE
DELINQUENCY ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Delinquency Act is enacted
to read:

"[NEW MATERIAL] JURISDICTION FOR CERTAIN MISDEMEANOR
OFFENSES. --

A. Notwithstanding other provisions of the
Children's Code and subject to the exception set forth in
Subsection B of this section, the municipal, magistrate or
metropolitan court shall have original, exclusive jurisdiction
over the following misdemeanor offenses, when the person alleged

1 to have committed the offense is a child and he has no more than
2 one prior adjudication for any of the following misdemeanor
3 offenses:

4 (1) assault, as provided in Section 30-3-1 NMSA
5 1978;

6 (2) battery, as provided in Section 30-3-4 NMSA
7 1978;

8 (3) criminal trespass, as provided in Section
9 30-14-1 NMSA 1978;

10 (4) graffiti, as provided in Subsection B of
11 Section 30-15-1.1 NMSA 1978;

12 (5) shoplifting, as provided in Paragraph (1)
13 or (2) of Subsection B of Section 30-16-20 NMSA 1978;

14 (6) possession of one ounce or less of
15 marijuana, as provided in Paragraph (1) of Subsection B of
16 Section 30-31-23 NMSA 1978; and

17 (7) possession of alcohol by a minor, as
18 provided in Section 60-7B-1 NMSA 1978.

19 B. If the children's court acquires jurisdiction
20 over a child pursuant to the alleged commission of a delinquent
21 act not set forth in Subsection A of this section, it shall have
22 jurisdiction over all offenses alleged to have been committed by
23 the child arising out of the same occurrence.

24 C. When the municipal, magistrate or metropolitan
25 court finds that a child committed an offense set forth in

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1 Subsection A of this section, it shall forward a copy of the
2 disposition report to the district court. The district court
3 shall maintain a registry of such disposition reports received
4 from a municipal, magistrate or metropolitan court. "

5 Section 2. EFFECTIVE DATE. -- The effective date of the
6 provisions of this act is July 1, 1997.

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

SB 799/a

March 15, 1997

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE BILL 799

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 2, between lines 18 and 19, insert the following
new subsection:

"B. A municipal, magistrate or metropolitan court shall
not incarcerate a child who has been adjudicated for an offense
set forth in Subsection A of this section without first securing
the approval of the children's court."

2. Reletter the succeeding subsections accordingly.

Respectfully submitted,

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Fernando R. Macias, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 4 For 3 Against

Yes: 4

No: Lopez, Sanchez, McSorley

Excused: Tsosie

Absent: None

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